

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 3:07-CR-96 |
| |) | (Phillips / Shirley) |
| ELMER D. SHEAFE, |) | |
| |) | |
| Defendant. |) | |

ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. Defendant Elmer D. Sheafe was originally charged by criminal complaint in case number 3:07-mj-2080, filed at the time of his arrest on August 3, 2007, and subsequently indicted on August 7, 2007. On August 9, this Court conducted a hearing on the government's motion to detain the defendant pending trial, ordering Mr. Sheafe's release upon certain conditions at the conclusion. Mr. Sheafe is represented by Attorney Tommy Hindman and Attorney Laura Metcalf. The United States is represented in this case by Assistant United States Attorney Tracee Plowell.

This matter is before the Court upon three pretrial motions timely filed by Defendant Elmer D. Sheafe. Mr. Sheafe has filed Motion for Notice [Doc. 11]; Motion to Suppress [Doc. 12]; and Motion for Leave to Amend Motion to Suppress [Doc. 14]. The United States has responded at [Doc. 15]; [Doc. 16]; and [Doc. 17], respectively. A hearing on the merits of these motions is scheduled for October 5, 2007, at 2:30 p.m. before this Court.

The Court observes that the United States has now filed a motion to dismiss the indictment in this case [Doc. 18]. Given the conclusion of the prosecution in this matter, the Court finds Mr. Sheafe's motions are now moot and are hereby dismissed without prejudice. No hearing will be conducted on October 5, 2007.

Accordingly, it is ORDERED:

- 1) Motion for Notice [**Doc. 11**] is **DENIED** as moot;
- 2) Motion to Suppress [**Doc. 12**] is **DENIED** as moot; and
- 3) Motion for Leave to Amend [**Doc. 13**] is **DENIED** as moot.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge